

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jean-Christophe Bandini et al.  
Title: METHOD AND SYSTEM FOR FILTERING COMMUNICATION  
Application No.: 10/678,583 Filed: October 2, 2003  
Examiner: April Ying Shan Group Art Unit: 2135  
Atty. Docket No.: 127-0008-4 Confirmation No.: 2291

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November 21, 2008

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
***ONGOING LITIGATION***

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, and further in accordance with MPEP 2001.06(c), Applicant(s) bring the existence of the following litigation to the attention of the Examiner.

TUMBLEWEED COMMUNICATIONS, CORP.

v.

SENDMAIL, INC.

CASE NO. 3:08-cv-04318-MHP

Filed September 15, 2008 and currently pending in the  
Northern District of California, San Francisco Division

The litigation alleges Breach of Contract relative to Sendmail's failure to pay royalties due under a license taken on or about September 25, 2005 under certain Tumbleweed patents including U.S. Patent 6,609,196 to which the present application claims priority under 35 U.S.C. § 120. Sendmail's license has been terminated and the litigation further alleges patent infringement relative to various Sendmail products including Sendmail Sentrion appliances and Sendmail Mailstream Manager software.

In furtherance of Applicant's obligation to bring to the attention of the Examiner material information arising from the ongoing litigation, Applicants attach hereto a copy of plaintiff's FIRST AMENDED COMPLAINT and defendant's ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS.

Nothing herein shall be construed as:

1. an admission that information submitted cited herein is prior art with respect to the instant invention;
2. a representation that a search has been made; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing hereinbelow after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

FEE AUTHORIZATION

- ☐ The undersigned believes that this Information Disclosure Statement is being filed before the mailing date of (i) a final action under § 1.113, (ii) a notice of allowance under § 1.311 or (iii) an action that otherwise closes prosecution. Therefore, no fee is believed required.

If however, this Information Disclosure Statement is filed after the period specified in § 1.97(c), the undersigned hereby authorizes the Commissioner to charge the fee set forth in § 1.17(p) to Deposit Account No. 50-0631.

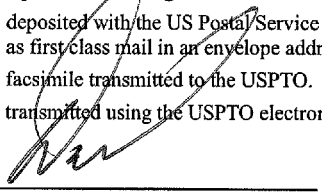
- ☒ This Information Disclosure Statement is being filed after the period specified in § 1.97(c), but on or before payment of the issue fee. Accordingly, the fee set forth in § 1.17(p) is required and provided as follows:

- ☐ A check in the amount of \$180.00 is enclosed herewith.
- ☐ The fee is being paid by credit card as directed in the attached Form PTO-2038.
- ☐ The undersigned hereby authorizes the Commissioner to charge the fee to Deposit Account No. n/a.
- ☒ The fee is being paid as directed in an electronic submission of this paper.

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that, on the date shown below, this correspondence is being

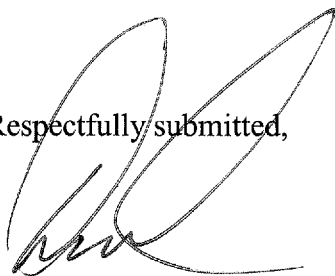
- ☐ deposited with the US Postal Service with sufficient postage as first class mail in an envelope addressed as shown above.  
☐ facsimile transmitted to the USPTO.  
☒ transmitted using the USPTO electronic filing system.

  
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David W. O'Brien

21-Nov-08  
\_\_\_\_\_  
Date

**EXPRESS MAIL LABEL:** \_\_\_\_\_

Respectfully submitted,

  
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